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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,038	03/20/2007	Claudio Adragna	03-AG-327/GC	3942
25235 7590 10/19/2009 HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEENTH ST DENVER, CO 80202			EXAMINER ZHANG, JUE	
			ART UNIT 2838	PAPER NUMBER
			NOTIFICATION DATE 10/19/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentcolorado@hhlaw.com

Office Action Summary	Application No. 10/589,038	Applicant(s) ADRAGNA ET AL.	
	Examiner JUE ZHANG	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/10/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/10/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 8/10/2006 has been considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, 9-11, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jutras et al. (US PG Pub. No. 20030016545, hereinafter '545).

Claims 1, 9, '545 discloses a circuit to reduce the variations of an auto-supply voltage of a control circuit of a switching power supply wherein said control circuit supplies an activation or deactivation signal for a power transistor (Fig. 12) comprising:

a generator of said auto-supply voltage (Fig. 12);

a controlled switch (e.g., the transistors comprising Q3)(Fig. 12) capable of selectively coupling said generator to said control circuit (i.e., through transformer L1)(Fig. 12); and

a driving circuit of said controlled switch that supplies a closing signal of said controlled switch after a predefined time delay starting from said deactivation command Fig. 11-12).

Claims 2, 10, '545 teach the limitations of claims 1, 9 as discussed above. '930 further teaches that a circuit generator that generates said predefined time delay (Fig. 11-12). Claims 3, 11, '545 teach the limitations of claims 1, 9 as discussed above. '930 further teaches that wherein said circuit generator generates said predefined time delay proportionally to a voltage proportional to the load of said switching power supply [0063](Fig. 10-12).

Claims 6, 14, '545 teach the limitations of claims 1, 9 as discussed above. '930 further teaches that wherein said driving circuit of said controlled switch supplies an opening signal of said controlled switch starting from said activation command (Fig. 11).

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Faulk (US Patent No. 5841641, hereinafter '641).

Claim 8, '641 discloses a method for reducing the variations of an auto-supply voltage of a control circuit of a switching power supply wherein said control circuit supplies an activation or deactivation command signal for a power transistor (Fig. 3A, 18) comprising

selectively coupling the secondary of a transformer of said switching supply to said control circuit after a predefined delay of time starting from said deactivation command (e.g., through 260)(Fig. 3A, 18).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jutras et al. (US PG Pub. No. 20030016545, hereinafter '545).

Claims 7, 15, '545 discloses the claimed limitations of claims 1, 9 as discussed above. '545 further discloses that wherein the controlled switch comprises a P-channel transistor (Q5). '545 does not explicitly disclose that wherein the controlled switch comprises a PNP transistor. However, the subject as whole would have been obvious to one of ordinary in art at the time of invention to have used a PNP transistor to replace the P-channel transistor as it is known to one of ordinary in art at the time of invention that they interchangeable for performing the required functionality.

Allowable Subject Matter

10. Claims 4-5, 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matters:

For claims 4, 12, the prior art does not disclose or suggest, primarily, a first comparator that compares a voltage proportional to the load of said switching power supply with a first reference voltage, said predefined time delay is being substantially zero when said voltage proportional to the load of said switching power supply is lower than said first reference voltage.

The aforementioned limitations in combination with all remaining limitations of the

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respective claims are believed to render the aforementioned indicated claim and dependent claims 5, 13 patentable over the art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jue Zhang whose telephone number is (571) 270-1263. The examiner can normally be reached on M-TH 8:00-5:00PM EST, Other F 8:00AM-4:00PM EST

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Lewis can be reached on 571-272-1838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JZ

*/Bao Q. Vu/
Primary Examiner, Art Unit 2838
October 13, 2009*